

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:24-00126

ARTURO JOEL GALLEGOS
MIGUEL ANGEL ALEMAN-PICENO
FRANCISCO ALEJANDRO GONZALEZ

MEMORANDUM OPINION AND ORDER

Pending before the court is the motion of the defendant Arturo Joel Gallegos for a continuance of the trial and to extend all applicable deadlines in this matter. (ECF No. #82.) Counsel for defendant explains that he needs additional time to discuss a proposed resolution of this matter with the defendant. Counsel indicates that there are no objections to a continuance by the co-defendants or the government.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

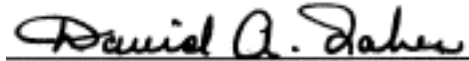
Accordingly, the court hereby **ORDERS** as follows:ⁱ

1. The deadline for the filing of pretrial motions is continued to January 2, 2025;
2. The Pretrial Motions Hearing is continued to January 13, 2025, at 2:00 p.m., in Bluefield;
3. Jury Instructions and Proposed Voir Dire are due by February 4, 2025;
4. Trial of this action is continued to February 11, 2025, at 9:30 a.m., in Bluefield; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 31st day of October, 2024.

ENTER:



David A. Faber

Senior United States District Judge

ⁱ As no motion for severance has been granted, these new dates (and the court's findings regarding excludable time under the Speedy Trial Act) apply to defendants Miguel Angel Aleman-Piceno and Francisco Alejandro Gonzalez as well.